

FILED & ENTERED

MAY 01 2013

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY ghaltchi DEPUTY CLERK

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

Kreiss Enterprises, Inc.,

Debtor.

Case No.: 2:13-bk-21466-NB

CHAPTER 11

**ORDER SETTING CASE STATUS
CONFERENCE, AND DIRECTING USE OF
FORMS AND PROCEDURES FOR PLAN
AND DISCLOSURE STATEMENT**

Date: May 21, 2013

Time: 11:00 a.m.

Place: Courtroom 1545
255 E. Temple Street
Los Angeles, CA 90012

IT IS HEREBY ORDERED as follows:

1. Status conference. Any counsel for the above-captioned debtor(s) and the debtor(s) themselves (collectively, "Debtor"), must attend an initial status conference at the place and time set forth above, the purpose of which will be to further the expeditious, economical, and just resolution of this case (per § 105(a) and (d)).¹ The

¹ Unless the context suggests otherwise, references to a "Chapter" or "Section" ("§") refer to the United States Bankruptcy Code, 11 U.S.C. § 101 et seq. (the "Code"), a "Rule" means the Federal Rules of Bankruptcy Procedure

status conference may be continued from time to time without further notice, and at future status conferences Debtor need not attend if Debtor's counsel attends.

Counsel for any official committee of unsecured creditors and counsel for the United States Trustee are also requested to attend. Any other interested parties may, but are not required to, appear and be heard as appropriate on the issues described below.

2. Case Status Report. At least **ten (10) days before the status conference**, Debtor must (a) file a Case Status Report in the form posted on Judge Bason's webpage, (b) serve it as directed in the instructions in that Report, and (c) file a proof of service.

3. Forms of Plan and Disclosure Statement. Debtor shall use the following forms of plan of reorganization or liquidation ("Plan") and disclosure statement:

(a) Individuals. Individual Debtor's Disclosure Statement in Support of Plan of Reorganization (**F 2081-1.DISCLSR.STMT**) and Individual Debtor's Chapter 11 Plan of Reorganization (**F 2081-1.PLAN**), available at www.cacb.uscourts.gov, under the links for local rules and forms.

(b) Small businesses (as defined by §§ 101(51C) and 101(51D)): Plan of Reorganization in Small Business Case under Chapter 11 (**Form B 25A**) and Disclosure Statement in Small Business Case under Chapter 11 (**Form B 25B**), available at: <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>, under "Part I – Official Forms, Instructions, and Committee Notes".

(c) Other debtors: Chapter 11 Disclosure Statement (**F 3017-1**) and form Chapter 11 Plan (**F 3018-1**) – absent *prior* approval of the Court to depart from such forms – available at www.cacb.uscourts.gov, under the links for local rules and forms.

("FRBP"), Federal Rules of Civil Procedure ("FRCP"), Federal Rules of Evidence ("FRE"), or Local Bankruptcy Rules ("LBR"), and other terms have the meanings provided in the Code and the Rules.

1 4. Procedures for draft Plan and disclosure statement. At the initial status
2 conference the Court anticipates setting a deadline for Debtor to *file* a draft Plan and
3 draft Disclosure Statement (the “Draft Plan Deadline”). **DEBTOR SHALL NOT SERVE**
4 **THOSE DRAFTS ON ANYONE** except the Office of the United States Trustee (“UST”).
5 The Court will hold a status conference shortly after the Draft Plan Deadline, at which
6 time the Court will review any initial issues that the Court or the UST may *choose* to
7 raise at that time – neither the Court nor the UST shall be deemed to have excused or
8 waived any issue that is not raised at that status conference. Unless otherwise ordered,
9 the following procedures shall apply:

10 (a) Service: The Court will set a deadline for Debtor to serve (i) the proposed
11 Plan, (ii) the disclosure statement,² (iii) ballots (see Official Form B14), and
12 (iv) a notice or order regarding deadlines and procedures.

13 (b) Combined hearings: The Court will hold a *combined* hearing on the
14 adequacy of the disclosure statement and confirmation of the Plan, on not
15 less than **36 days’ notice** (per § 105(d)(2)(B)(vi), FRBP 2002(b), 3017(a),
16 and LBR 3017-1(a)).

17 (c) Ballot summary: The deadline to file a ballot summary is one (1) day before
18 the confirmation hearing (per LBR 3018-1).

19 (d) Briefing: Judge Bason does not require any written motion or
20 memorandum/brief in support of confirmation, but Debtor should file and
21 serve a reply to any written objections no later than seven days prior to the
22 hearing.

23 (e) Attendance at hearing(s): Debtor shall be present at the hearing(s) on the
24 adequacy of the disclosure statement and confirmation of the proposed
25 Plan, but absent objection the Court anticipates accepting offers of proof
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28 ² Amended documents: any amended Plan or disclosure statement should be entitled in the form “...
Plan of Reorganization *Dated* ____, 20__” (emphasis added) – *i.e.*, identify the document by date, *not*
“first amended” or “second amended,” because the latter often leads to confusion (e.g., when a disclosure
statement is amended but a Plan is not).

rather than live testimony on the required elements to confirm the Plan under Section 1129(a) or (b).

(f) Special procedures: The Court will consider, so as to save costs or for other good cause, (i) whether instead of receiving the full Plan, some classes should receive a “court-approved summary” or, if applicable, a notice to unimpaired classes (per Rule 3017(d)), (ii) whether to establish special procedures for transmitting documents and information “to beneficial holders of stock, bonds, debentures, notes, and other securities” (per Rule 3017(e)), (iii) shortened time (per Rule 9006(c)), or (iv) other special procedures.


PLEASE TAKE NOTICE that at any status conference the Court may issue orders or do other things without further notice, pursuant to § 105(a) and other applicable law and based upon the Court’s records, or evidence, or offers of proof presented at the conference, or other proper considerations. Among other things, the Court may do the following:

- (a) Case Management: address any proposed or existing use of cash collateral, proposed sale of assets, strategy for exiting bankruptcy, or any other case management issues;
- (b) Case Disposition: dismiss the case, convert it to another chapter, or order the appointment of a chapter 11 trustee;
- (c) Deadlines: set deadlines for (a) assuming, or assuming-and-assigning, or rejecting executory contracts or unexpired leases, (b) filing proofs of claim, objections to claims, and/or requests for payment of administrative expenses, (c) filing reports, or (d) any other matter;
- (d) Notices: establish noticing procedures, including the scope, format, and service requirements of notices to all or some creditors and other parties in interest;
- (e) Adversary Proceedings and Contested Matters: adopt special procedures for

1 managing adversary proceedings, contested matters and such other
2 matters as may aid in the prosecution of this case, including setting
3 hearing dates and procedures for future motions, such as combining the
4 hearing on approval of a disclosure statement with the hearing on
5 confirmation of a plan of reorganization; and/or
6 (f) Alternative Dispute Resolution: refer matters to mediation or other forms of
7 alternative dispute resolution.

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25 Date: May 1, 2013


Neil W. Bason
United States Bankruptcy Judge

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*): ORDER SETTING CASE STATUS CONFERENCE, AND DIRECTING USE OF FORMS AND PROCEDURES FOR PLAN AND DISCLOSURE STATEMENT was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner stated below:

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF) – Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of 5/1/13, the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below.

- Martin J Brill mjb@lnbrb.com
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY THE COURT VIA UNITED STATES MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the following persons and/or entities at the addresses indicated below:

Kreiss Enterprises, Inc.
Attn: Thomas J. Kreiss
8619 Melrose Ave
West Hollywood, CA 90069

☐ Service information continued on attached page

3. TO BE SERVED BY THE LODGING PARTY: Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by United States mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following persons and/or entities at the addresses, facsimile transmission numbers, and/or email addresses stated below:

☐ Service information continued on attached page